

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RICHARD C. HUNT,)
Plaintiff,)
v.)
BRIAN EMIG and C/O D'ANGLO,)
Defendant.)
Civil Action No. 06-324-***

MEMORANDUM ORDER

The Plaintiff, Richard C. Hunt ("Hunt"), an inmate at the Delaware Correctional Center ("DCC"), filed this lawsuit pursuant to 42 U.S.C. § 1983. He appears *pro se* and was granted permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Docket Index [D.I.] 5.

Hunt has petitioned this court again (D.I. 16).¹ As stated in his first motion, Hunt claims that appointed counsel is necessary because he is incarcerated, unskilled in the law, he is substantially limited in his access to the law library, the case requires investigation, in previous cases he has failed to properly present his case, a lawyer is necessary to understand the court's scheduling order, to pursue discovery, to pursue other court procedures and to engage in settlement, and appointment of counsel would serve the interests of justice.

It is within this Court's discretion to appoint plaintiff an attorney, but only "upon a showing of special circumstances indicating the likelihood of substantial prejudice to

¹Hunt previously petitioned the court for appointment of counsel which was denied. See D.I. 3.7.

[plaintiff] resulting from [plaintiff's] probable inability without such assistance to present the facts and legal issues to the court in a complex but arguably meritorious case."

Smith-Bey v. Petstock, 741 F.2d 22, 23 (3d Cir. 1984); *accord Tabron v. Grace*, 6 F.3d 147, 155 (3d Cir. 1993) (representation by counsel may be appropriate under certain circumstances, after a finding that a plaintiff's claim has arguable merit in fact and law).

Having reviewed Hunt's complaint, I find that his allegations are not of such a complex nature as to warrant appointment of counsel at this time. Therefore, I am denying, without prejudice, the motion for appointment of counsel.

ACCORDINGLY, IT IS HEREBY ORDERED that:

The motion for appointment of counsel (D. I. 16) is DENIED without prejudice, with leave to refile.



UNITED STATES MAGISTRATE JUDGE

January 8, 2007
Wilmington, Delaware